

APPEAL NO. 041828
FILED SEPTEMBER 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 5, 2004. The hearing officer determined that the _____, compensable injury of respondent/cross-appellant (claimant) extends to include the cervical spine but does not include an injury to the C5-6 disc. Appellant/cross-respondent (carrier) appealed the determination that the injury extends to the cervical spine, contending that the term "cervical spine" means vertebrae and discs and does not include soft tissues and ligaments. Carrier asserts that the hearing officer's determination that the injury extends to the "cervical spine" is not supported by the evidence since the hearing officer indicated that claimant's injury is a soft tissue injury. The file does not contain a response from claimant. Claimant filed a cross-appeal and asserts error in the determination that the compensable injury does not extend to the C5-6 disc. Claimant contends that because the hearing officer found the injury includes the cervical spine, the injury necessarily includes the C5-6 disc as well. The file does not contain a response from carrier.

DECISION

We affirm.

We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The hearing officer did not err in the way he worded his determinations. See *generally* Texas Workers' Compensation Commission Appeal No. 960902, decided June 20, 1996; Texas Workers' Compensation Commission Appeal No. 962484, decided January 21, 1997. The parties discussed the issues at the hearing and agreed to add the issue of whether the injury extended to the C5-6 disc so that they would know if the injury included an injury to that disc. We note that the determination that the injury included the region of the "cervical spine" did not determine either way whether the injury included cervical disc or vertebral injuries, though a separate, specific determination was made regarding the C5-6 disc. We perceive no error.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Veronica L. Ruberto
Appeals Judge